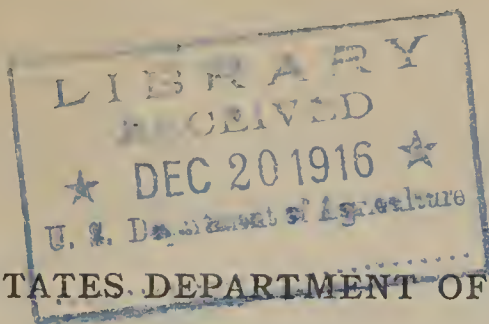


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UNITED STATES DEPARTMENT OF AGRICULTURE  
FOREST SERVICE

Henry S. Graves, Forester

STATE FORESTRY LAWS

A parallel classification showing the comparative progress of each State in forestry legislation

CONNECTICUT

(Serial 1—Through Reg. Sess., 1915)

Compiled in the Office of State Cooperation by Jeannie S. Peyton

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PURPOSE OF COMPILATION.

Information about the forestry laws of the various States, especially about those laws dealing with certain specific problems, is being demanded more and more; and requests for such information, coming from legislators, State administrative officers, forestry associations, forest schools, and other bodies and individuals, have led to the compilation, informally, of such State laws as bear more or less directly on the practice of forestry.

The purpose of the compilation, of which this serial is a part, is to make easy a comparative study of the laws of the different States and to further the development of practical forestry legislation. By the classification of the laws and parts of laws under the headings, "Administration," "Fire Protection," "Public Forests," and "Taxation," the comparison is simplified, and the progress of each State, or lack of it, in these particulars is clearly shown.

The better to accomplish this educational aim, the great mass of timber and tree laws and those finer points of reference proper only to a legal or administrative manual have been omitted. Explanatory matter in bold type is not a part of the original text.

## PART I.—ADMINISTRATION.

(This part comprises the provisions of law, if any, defining the general administrative duties of the regularly constituted State forestry officials; also certain miscellaneous forestry provisions. For specific provisions, if any, concerning administrative duties of these or other State officers in connection with forest fires, State and municipal forests or other State lands, or forest taxation, see Parts II, III, and IV, respectively.)

## STATE FORESTER.

## 1. Appointment—Term of office—Compensation.

The board of control of the Connecticut agricultural experiment station shall appoint a State forester to hold office during the pleasure of the board; he shall have an office at the experiment station, but shall receive no compensation, other than his regular salary as a member of the station staff. [L. 1901, ch. 175, sec. 1; Gen. Stat., 1902, sec. 4448.]

## 2. Is ex officio a member of the State park commission.

\* \* \* the State forester shall be ex officio a member of said commission [State Park Commission]. [L. 1913, ch. 230, sec. 1.]

## ASSISTANT STATE FORESTER.

## 3. Appointment—Term of office—Compensation.

The board of control of the Connecticut agricultural experiment station may, in its discretion, appoint an assistant State forester, to hold office during the pleasure of the board, who shall receive no compensation other than his regular salary as a member of the station staff. [L. 1911, ch. 227, sec. 1.]

## 4. General powers and duties.

Said assistant State forester shall act under the direction of the State forester, and by his direction or in his absence shall exercise the powers and duties of the State forester and State forest fire warden. [L. 1911, ch. 227, sec. 2.]

## EXPENDITURES.

## STATE.

## 5. Pays disbursements of State forester.

The disbursements of the State forester shall be paid by the comptroller upon the audit of the State board of control. [L. 1901, ch. 175, sec. 6; Gen. Stat., 1902, sec. 4450.]

## PART II.—FIRE PROTECTION.

(This part comprises the general provisions of law, if any, concerning protection from forest fires. For localized provisions, if any, concerning protection of State-owned lands, see Part III.)

## STATE FOREST FIRE WARDEN.

## 1. State forester is ex officio State forest fire warden—Compensation.

The State forester shall be, ex officio, State forest fire warden, and shall receive no additional compensation therefor, [Expenses.—] but shall receive his necessary traveling and other expenses, to be paid in the manner provided for in section 4450 of the general statutes.<sup>1</sup> [L. 1905, ch. 238, sec. 1.]

## 2. Supervises town fire wardens—Instructs them and district fire wardens in their duties.

[¶ 1.] Said forest fire warden shall have supervision of town fire wardens, shall instruct them in their duties, \* \* \* [¶ 2] [and] issue such regulations and instructions to the town and district fire wardens as he may deem necessary for the purposes of this act, \* \* \*. [L. 1905, ch. 238, sec. 2.]

## 3. Enforces the laws.

[¶ 1.] As to fire districts.—[The forest fire warden shall] enforce the law as to fire districts in towns, \* \* \*, [¶ 2.] [Prosecutes violators of forest fire laws.—] and cause violations of the laws regarding forest fires to be prosecuted. [L. 1905, ch. 238, sec. 2.] [¶ 3.] Pays for information leading to conviction.—(For text, see II. 48a.)

## 4. Provides for fire prevention in groups of towns.

The State forest fire warden may take such action as he may deem necessary to provide for the prevention and control of forest fires in groups of towns and \* \* \*. [L. 1911, ch. 292, sec. 1.]

## 5. Appoints patrolmen and establishes and equips lookout stations.

(For text, see II, 38, ¶ 1.)

## 6. Cooperates with United States Department of Agriculture.

[The State forest fire warden] is hereby authorized to enter into an agreement with the Secretary of Agriculture of the United States, under authority of

<sup>1</sup> See Table of Acts on p. 12,



## PART II—Contd.]

the act of Congress of March [1], 1911, for the protection of the forested watersheds of navigable streams in this State. [L. 1911, ch. 292, sec. 1.]

**7. Prepares and issues fire notices.**

(For text, see II, 26*a*.)

**8. Waives operation of close season.**

(For text, see II, 45*b*¶2.)

**9. Examines protective devices on locomotives.**

The State forest fire warden, or any deputy fire warden authorized by the State forest fire warden, may examine any such locomotive<sup>1</sup> and may require any employee of any such company<sup>1</sup> to assist in such examinations. [L. 1915, ch. 322, sec. 2.]

**TOWN FIRE WARDENS.****10. Appointment—Term of service.**

The selectmen of any town, except as hereinafter provided, shall, upon the request of the State forest fire warden and with his concurrence, appoint a town fire warden who shall act for the term of one year, or until his successor shall have been appointed, under the instructions of said State warden. [L. 1905, ch. 238, sec. 3; \* \* \*; L. 1909, ch. 128, sec. 1.]

**11. Compensation.**

The town and district fire wardens shall receive thirty-five cents per hour for time actually employed at forest fires or in the prevention thereof, or otherwise devoted to discharge of duties as fire warden. [Exception.—] but the chief of the fire department of any city, while acting as town fire warden under this act, shall not receive such compensation in cases where a regular salary is received by him. [L. 1905, ch. 238, sec. 5; \* \* \*; L. 1913, ch. 7.]

**12. Hold other office.**

*a.* \* \* \* in the absence of town and district fire wardens, the first selectman may act as fire warden.

*b.* In towns having a consolidated town and city government where the boundaries and limits of said town and city are coterminous, the chief of the fire department of the city shall be, *ex-officio*, town fire warden and shall possess all the powers and be subject to all the duties provided by this act,<sup>2</sup> under the supervision of the State forest fire warden. [L. 1905, ch. 238, sec. 3; \* \* \*; L. 1909, ch. 128, sec. 1.]

<sup>1</sup> See II, 50.

<sup>2</sup> See Town Fire Wardens.

**13. Establish fire districts.**

When required by the State warden, such town fire warden shall, and any such town fire warden may, establish two or more fire districts in the town for which he is appointed, and \* \* \* [L. 1905, ch. 238, sec. 3; \* \* \*; L. 1909, ch. 128, sec. 1.]

**14. Appoint district fire wardens.**

(For text, see II, 28.)

**15. Enforce forest fire laws.**

[The town and district fire wardens shall] enforce all statutes of this State now in force or that may hereafter be enacted for the protection of forest and timber land from fire, and \* \* \* [L. 1905, ch. 238, sec. 4; L. 1907, ch. 136, sec. 2.]

**16. Arrest violators, without warrant.**

Any fire warden may arrest, without a warrant, any person or persons taken by him in the act of violating any of the said laws for the protection of forest and timber lands, [Violators taken before justices of the peace or other magistrates.—] and bring such person or persons forthwith before a justice of the peace or other magistrate having jurisdiction, who shall proceed without delay to hear, try, and determine the matter. [L. 1905, ch. 238, sec. 4; L. 1907, ch. 136, sec. 2.]

**17. Prevent and extinguish fires.**

The town and district fire wardens shall prevent and extinguish forest fires in their respective towns, and \* \* \*. [L. 1905, ch. 238, sec. 4; L. 1907, ch. 136, sec. 2.]

**18. Establish fire patrol during drought.**

During a season of drought the town fire warden may establish a fire patrol in the town, and \* \* \*. [L. 1905, ch. 238, sec. 4; L. 1907, ch. 136, sec. 2.]

**19. Attend, and personally direct fire-fighting work.**

\* \* \* in case of fire in or threatening any forest or woodland the town and district fire wardens shall attend forthwith, and use all necessary means to confine and extinguish such fire. [L. 1905, ch. 238, sec. 4; L. 1907, ch. 136, sec. 2.]

**20. In charge at fires.**

\* \* \* they [town and district fire wardens] shall have control and direction of all persons and apparatus while engaged in extinguishing forest fires, outside the limits of boroughs. [L. 1905, ch. 238, sec. 4; L. 1907, ch. 136, sec. 2.]

## PART II—Contd.]

**21. Impress assistance.**

They may summon any male resident of the town between the ages of eighteen and fifty years to assist in extinguishing fires, and may also require the use of horses and other property needed for such purpose; [**Penalty for refusal to assist.**—] any person so summoned and who is physically able who refuses or neglects to assist or allow the use of horses, wagons, or other material required, shall be liable to a penalty of not less than five dollars nor more than one hundred dollars. [L. 1905, ch. 238, sec. 4; L. 1907, ch. 136, sec. 2.]

**22. Back-fire, and take other precautions.**

The said fire wardens may destroy fences, plow lands, or, in an emergency, set backfires to check any fire. [L. 1905, ch. 238, sec. 4; L. 1907, ch. 136, sec. 2.]

**23. Enter upon lands, if necessary.**

No action for trespass shall lie against any person crossing or working upon lands of another to extinguish fires. [L. 1905, ch. 238, sec. 4; L. 1907, ch. 136, sec. 2.]

**24. Account for fire-protection expenditures.**

Said wardens [town and district fire wardens] shall prepare their bills for services rendered by them and by the men, teams, and other apparatus employed by them as provided by this act,<sup>1</sup> within one month of the date of such services, which bills shall show in detail the amount and character of the services performed, the exact duration thereof, and all disbursements made by said wardens. **Bills submitted to State forest fire warden, for approval.**—Said bills shall be submitted to the State forest fire warden for examination and record and shall be returned by him to the selectmen of the town wherein the services were rendered and expenses incurred, [**Towns pay bills.**—] and upon approval by the selectmen said bills shall be paid by the town treasurer. **Similar procedure on account of fire fighting in adjoining towns.**—Whenever a fire warden, either alone or with assistants, engages in extinguishing a fire in a town adjoining his own, he shall prepare his bill against the town in which such services were rendered, and, if correct, it shall, after being submitted to the State forest fire warden and approved by the selectmen, be paid by the treasurer of the town in which the fire occurred. [L. 1905, ch. 238, sec. 5; \* \* \*; L. 1913, ch. 7.]

**25. Issue permits for kindling fires during close season.**

(For text, see II, 45a.)

**26. Post notices.**

*a. General fire notices.*—The town and district fire wardens shall post such notices, containing the State laws concerning fires as the State fire warden may prepare, and \* \* \* [L. 1905, ch. 238, sec. 10.]

*b. Notices exempting localities from operation of close season.*—(For text, see II, 45b, ¶ 2.)

**27. Examine protective devices on locomotives.**

(For text, see II, 9.)

## DISTRICT FIRE WARDENS.

**28. Appointment.**

[When required by the State warden, the town fire warden shall, and any such town fire warden may], appoint a resident of such district<sup>1</sup> as district fire warden; \* \* \* [L. 1905, ch. 238, sec. 3; \* \* \*; L. 1909, ch. 128, sec. 1.]

**29. Compensation.**

(Same as town fire wardens. See II, 11.)

**30. Hold other office.**

(Same as town fire wardens. See II, 12a.)

**31. Enforce forest fire laws.**

(Same as town fire wardens. See II, 15.)

**32. Arrest violators, without warrant.**

(Same as town fire wardens. See II, 16.)

**33. Prevent and extinguish forest fires.**

(Same as town fire wardens. See II, 17; 19; 20; 21; 22; 23; 25; 26a, b; 27.)

**34. Account to State forest fire warden for fire-protection expenditures.**

(For text, see II, 24.)

## FIRE-FIGHTING LABORERS.

**35. Impressed by town fire wardens—Penalty for refusal to assist, or allow use of horses, wagons, etc.**

(For text, see II, 21.)

**36. Enter upon lands, if necessary.**

(For text, see II, 23.)

<sup>1</sup> See Table of Acts on p. 12.

<sup>1</sup> See II, 13.



## PART II—Contd.]

**37. Compensation fixed by.**

*a. Selectmen of towns.*—The selectmen, except in towns having a consolidated town and city government as hereinafter provided, shall fix the compensation, not exceeding twenty cents per hour, to be paid to laborers at forest fires, employed by the fire wardens or their deputies, [Notice to town fire warden and State forest fire warden.—] and shall give notice thereof to the town fire warden and the State forest fire warden; \* \* \*.

*b. Mayors and treasurers of cities.*—In towns having a consolidated town and city government, in which the boundaries and limits of said town and city are coterminous, the mayor and treasurer of the city shall perform all the acts required by this section<sup>1</sup> of selectmen and treasurers of towns.

*c. Law.*—\* \* \* but if the selectmen neglect to fix such compensation<sup>2</sup> the town fire warden may pay at the rate of twenty cents per hour for such services. [L. 1905, ch. 238, sec. 5; \* \* \*; L. 1913, ch. 7.]

## PATROL AND LOOKOUT MEN.

**38. Appointment by State forest fire warden—Compensation—Equipment.**

[¶1.] Said State forest fire warden may appoint patrolmen, who shall receive not more than twenty-five cents per hour for the time actually employed, and may establish and equip fire lookout stations and furnish necessary equipment for such patrolmen. [L. 1911, ch. 292, sec. 1.]

[¶ 2.] **Power to arrest violators, without warrant.**—Any patrolman appointed for such purpose<sup>3</sup> by said State forest fire warden may arrest, without warrant, any person taken by him in the act of violating any of the laws of this State for the protection of forest and timber lands. [L. 1911, ch. 292, sec. 2.]

**39. Employment by town fire wardens, during seasons of drought.**

(For text, see II, 18.)

## EXPENDITURES.

## STATE.

**40. Reimburses towns for one-half of expenditures by fire wardens.**

A statement, upon blanks furnished by the comptroller, with duplicate bills, showing the amount paid by such town as aforesaid,<sup>4</sup> during the preceding year shall be sent by the town treasurer to the State comptroller on the first day of June, annually, and he shall thereupon draw his order on the State treas-

urer in favor of such town for one-half of said amount. [L. 1905, ch. 238, sec. 5; \* \* \*; L. 1913, ch. 7.]

**41. Pays salary and costs of equipment of patrolmen and of establishment and equipment of fire-lookout stations, etc.**

The disbursements of the State forest fire warden in carrying out the purposes of this act<sup>1</sup> shall be paid by the State from the appropriation for fire wardens. [L. 1911, ch. 292, sec. 3.]

## COUNTIES.

**42. Reimburse towns for one-fourth of expenditures by fire wardens.**

A copy of each bill so paid by the treasurer of any town, under the provisions of this section<sup>1</sup> shall be sent by said treasurer to the county commissioners of the county in which the town is situated, and the commissioners shall thereupon draw their order on the county treasurer in favor of said town for one-fourth of the amount of such bill. [L. 1905, ch. 238, sec. 5; \* \* \*; L. 1913, ch. 7.]

## TOWNS.

**43. Make initial payment of expenses incurred by fire wardens.**

(For text, see II, 24.)

## KINDLING FIRES IN THE OPEN.

**44. During the entire year.**

*a. On public lands, without authority.*—No person shall kindle a fire upon public land, without authority, nor \* \* \*

*b. On lands of another, without permission from owner.*—[No person shall kindle a fire] \* \* \* upon the land of another without permission of the owner thereof, or his agent. [L. 1886; \* \* \*; Gen. Stat., 1902, sec. 1220.]

*c. On one's own woodland, without removing combustible material—Extinguishment of fire required.*—No person shall kindle, nor authorize another to kindle, a fire in his woodland, unless all combustible materials for the space of twenty feet surrounding the place where said fire is kindled have been removed, nor shall any such fire be left until extinguished or safely covered. [L. 1886; \* \* \*; Gen. Stat., 1902, sec. 1221; L. 1907, ch. 43.]

*d. Fires caused by throwing down lighted matches, cigars, etc., are within provisions of subsections a, b, c.*—Fires kindled by throwing down a lighted match, cigar, or other burning substance, shall be deemed within the provisions of secs. 1220 and 1221 [subsections a, b, c], and \* \* \*.

<sup>1</sup> See Table of Acts on p. 12.

<sup>4</sup> See II, 24.

<sup>2</sup> See a, of this section.

<sup>3</sup> See II, 4; 6; ¶1 of this section.

<sup>1</sup> See Table of Acts on p. 12.

## PART II—Contd.]

**c. Penalties for violating subsections a, b, c.**—\* \* \* every person violating any provision of said sections [subsections a, b, c] shall be fined not more than five hundred dollars, or imprisoned not more than six months, or both. [L. 1886; \* \* \*; Gen. Stat., 1902, sec. 1222; L. 1905, ch. 238, sec. 8.]

**45. During close season.**

**a. Unlawful to set a fire without a permit—Penalty.**—Every person, except as hereinafter provided, who shall kindle or authorize another to kindle a fire in the open air, outside the limits of any city, borough, or fire district,<sup>1</sup> or land controlled by any railroad company, for the purpose of burning bushes, weeds, grass, or rubbish of any kind, between the fifteenth day of March and the first day of June, and the fifteenth day of September and the fifteenth day of November, in any year, without first obtaining from the fire warden of the district written permission stating when and where such fire may be kindled, shall be fined not more than two hundred dollars, or imprisoned not more than six months, or both; \* \* \*

**b. [¶ 1.] Exeptions: Burning on ploughed fields, gardens, etc.**—\* \* \* provided, that such permission shall not be required for the kindling of a fire in a ploughed field, garden, or public highway, at a distance of not less than two hundred feet from any woodland, brushland, or field containing dry grass or other inflammable material. [L. 1909, ch. 128, sec. 4; L. 1911, ch. 124, sec. 2.]

**[¶ 2.] Under posted notice that permit is not required.**—Whenever the State fire warden shall deem that the public safety of any town or portion of a town of this State does not require the protection provided by section four<sup>2</sup> of this act, he may cause the town fire warden of any such town to post notices to that effect in conspicuous places, not less than five in each town, or two in each fire district.<sup>3</sup> Whenever such notices have been posted, each town or the designated portion thereof so affected shall be exempt from the operation of the provisions of section four of this act until the fifteenth day of March of the next succeeding year. [L. 1909, ch. 128, sec. 5; L. 1911, ch. 124, sec. 3.]

**[¶ 3.] Back-firing in absence of a fire warden.**—In the absence of any fire warden to take control of a wild fire, it shall not be unlawful for any person to kindle a fire at any time on his own land, public land, or the land of another with the consent of the owner or occupant thereof, for the purpose of backfiring to

<sup>1</sup> Does not refer to fire districts established by any forest fire legislation, but to organized fire districts provided for under secs. 1998, 1999, Gen. Stat., 1902.

<sup>2</sup> See subsecs. a, b, ¶1, of this section.

<sup>3</sup> Refers to forest fire districts established by town fire wardens. See II, 13.

protect property from the threatened and immediate injury of a wild fire. [L. 1909, ch. 128, sec. 6.]

**46. Criminal liability.**

**a. Willful setting fires—Penalty.**—Every person who shall set on fire any woods, \* \* \* so as thereby to occasion injury to another; \* \* \* shall, if such act is done wilfully, be fined not more than one thousand dollars, or imprisoned not more than six months, or both. [L. 1830; \* \* \*; Gen. Stat., 1902, sec. 1218; L. 1905, ch. 238, sec. 7.]

**b. Setting fires, in general—Penalty.**—Every person who shall kindle or authorize another to kindle, at any time, a fire in the open air, which fire occasions an injury to another, shall be fined not more than two hundred dollars, or imprisoned not more than six months, or both. [L. 1909, ch. 128, sec. 3.]

**c. Destroying posted notices.**—\* \* \* any person who willfully or maliciously tears down or destroys any such notice<sup>1</sup> shall be fined ten dollars. [L. 1905, ch. 238, sec. 10.]

**47. Civil liability.**

**For injury caused by fire.**—Every person who shall set fire on any land, that shall run upon the land of any other person shall pay to the owner all damages done by such fire. [L. 1733; \* \* \*; Gen. Stat. 1902, sec. 1906.]

**48. Disposition of fines.**

**a. Paid into State treasury as a special fire-protection fund.**—All moneys received from fines imposed under and by virtue of the provisions of sections 1218, 1222 and \* \* \* of the general statutes<sup>2</sup> shall be paid to the State treasurer and kept by him as a separate fund, to be paid out by him upon the requisition of the State forest fire warden, for use in connection with and the prevention and suppression of forest fires, and such disbursements shall be audited by the State board of control as provided in section 4450;<sup>2</sup> [Portion of fine paid to informant.—] provided, that the State forest fire warden shall pay one-half of the amount collected as a fine to the fire warden or other person upon whose information the proceedings in which such fine was imposed were instituted, but not exceeding fifty dollars in any one case. [L. 1905, ch. 238, sec. 6.]

**b. All moneys received from fines imposed under and by virtue of the provisions of sections three and four<sup>2</sup> of this act shall be paid to the State treasurer and shall form a part of the fund provided for in section six of chapter 238 of the public acts of 1905,<sup>2</sup> and shall be disbursed in the same manner as is pro-**

<sup>1</sup> See II, 26a.

<sup>2</sup> See Table of Acts on p. 12.



## PART II—Contd.]

vided in said section six.<sup>1</sup> [L. 1909, ch. 128, sec. 7; L. 1911, ch. 124, sec. 4.]

## CLOSE SEASON FOR HUNTING.

**49. May be proclaimed during season of drought.**

The governor may, when he shall consider that extraordinary precautions are necessary to prevent fires in the woodland of the State, proclaim a season of drought, during which the hunting season shall be suspended and all provisions of the law relating to a close season shall be in force for all kinds of game. [L. 1915, ch. 218.]

## RAILROADS.

**50. Provide spark arresters and ash pans.**

[¶ 1.] Every railroad company operating steam locomotives shall equip and maintain an effective spark arrester and a suitable ash pan on every locomotive burning coal or wood while the same is in operation and shall keep such devices in such condition as will prevent the escape of live coals or sparks. [L. 1915, ch. 322, sec. 1.]

[¶ 2.] **Penalty.**—Any such company failing to comply with the provisions of this act<sup>1</sup> shall forfeit to the State the sum of twenty-five dollars for each engine operated without such spark arrester or ash pan. [L. 1915, ch. 322, sec. 3.]

**51. Liability.**

*a.* [¶ 1.] **To persons for injuries to property caused by fire from engines.**—When property is injured by fire communicated by an engine of a railroad company, without contributory negligence on the part of the person entitled to the care and possession of such property, such company shall be held responsible in damages to the extent of such injury to the person so injured. [L. 1881; \* \* \*; Gen. Stat., 1902, sec. 3779.]

[¶ 2.] **Company entitled to notice, in advance, of claim for damages.**—No action shall be brought under section 3779<sup>2</sup> of the general statutes unless written notice of the claim is given to such company within twenty days after the fire, specifying the day of the fire, giving a general description of the property injured, and stating the amount claimed as damages. Such notice may be given by a letter signed by the claimant or his agent, mailed to the superintendent of the railroad, or delivered to its station agent at a station in the town where the fire occurred. [L. 1881; \* \* \*; Gen. Stat., 1902, sec. 3780; L. 1911, ch. 212.]

<sup>1</sup> See Table of Acts on p. 12.

<sup>2</sup> See ¶ 1 of this section.

*b.* [¶ 1.] **To a town, or city, for expense of extinguishing fires.**—Any railroad company which, through any act of its employees or agents, by sparks from its locomotives, or otherwise, sets fire to trees, brush, or grass on lands outside the right of way of such company shall be liable to the town or city in which such fire occurs for the lawful expenses incurred by such town or city in extinguishing such fire. [L. 1911, ch. 114, sec. 1.]

[¶ 2.] **Payment upon presentation of bill.**—A bill for such expenses shall be rendered by the local fire warden having charge of the extinguishing of such fire, in accordance with the provisions of [sec. 5] chapter 238 of the public acts of 1905, and amendments thereof,<sup>1</sup> and, upon approval of such bill by the State forest fire warden and upon presentation thereof to the chief engineer of the railroad company liable for such expenses under the provisions of section one of this act, such expenses shall be paid by said railroad company. [L. 1911, ch. 114, sec. 2.]

**52. Have an insurable interest in property for which held responsible in damages.**

Every such company<sup>2</sup> shall have an insurable interest in the property for which it may be so held responsible in damages and may procure insurance thereon in its own behalf. [L. 1881; \* \* \*; Gen. Stat., 1902, sec. 3779.]

## EMPLOYEES.

**53. Fire duties.**

*a.* **Section foremen required to extinguish fires, and assist fire wardens.**—It shall be the duty of every section foreman employed by a railroad company, upon the discovery of any fire, in the section under his jurisdiction, for which said company is liable under the provisions of section one of this act,<sup>1</sup> to summon necessary assistance, proceed to the fire and extinguish it, and to give such assistance to the town or district fire warden as may, from time to time, be requested by such warden. [L. 1911, ch. 114, sec. 3.]

*b.* **Employees required to assist fire wardens in examining protective devices on locomotives.**—(For text, see II, 9.)

## BRUSH AND SLASH DISPOSAL.

**54. Within highway limits.**

**Selectmen cut and burn bushes and trees annually.**—The selectmen in every town shall cause to be cut, at least once in each year, all bushes, trees, and branches of trees growing within ten feet of the center of the traveled way within the limits of the public highways in their respective towns, and shall, within thirty days thereafter, cause all brush so cut to be piled and burned. **"Public highways" defined.**—The

<sup>1</sup> See Table of Acts on p. 12.

<sup>2</sup> See II, 51*a*, ¶ 1.

## PART II—Contd.]

term "public highways" as used in this section shall be construed to mean and include only the main highways leading from one town to another. [L. 1905, ch. 277, sec. 1; L. 1911, ch. 2.]

**55. On lands bordering on highway.**

[§ 1.] **First selectman or fire warden orders removal of brush or tree growth lying adjacent to roadway.**—The first selectman or fire warden of any town, wherein any cut brush or tree growth is permitted to remain within fifteen feet of the traveled portion of any highway, may order the owner of the land adjacent to such highway where such cut brush or tree growth is lying, if cut by him or by his authority, or other person who cut the same, or caused the

same to be cut, as the case may be, to remove or burn such brush or tree growth. **Service of notice.**—Such order shall be in writing and shall designate a time not less than thirty nor more than sixty days from the serving of such order for removal or burning thereof. Such order shall be left with or at the usual place of abode of the owner of such land or the person who cut such brush or tree growth, or caused the same to be cut, if a resident of said town, or if a nonresident said order shall be sent to such person by registered mail, post paid. [L. 1915, ch. 260, sec. 1.]

[§ 2.] **Penalty.**—Any person who shall fail to comply with any order issued by authority of this act shall be fined not more than twenty-five dollars, or imprisoned not more than thirty days, or both. [L. 1915, ch. 260, sec. 2.]

## PART III.—PUBLIC FORESTS.

(This part comprises the provisions of law, if any, for the establishment and care of State and municipal forests and for the practice of forestry on these and on other lands owned by the State.)

## STATE FORESTS.

**1. State forester.**

*a.* [§ 1.] **Acquires lands for State forests, and exchanges or sells such land.**—The State forester may buy land in the State suitable for the growth of oak, pine or chestnut lumber, [Price.—] at a price not exceeding eight dollars per acre, to the amount of the appropriation for that purpose, which land shall be deeded to the State and shall be called a State forest. \* \* \* [§ 2.] [He may] exchange the land so bought with the adjoining proprietors, and for and in behalf of the State execute deeds for such purpose; \* \* \* [§ 3.] and, with the approval of the governor and attorney general may sell portions of the same, when they shall command a greater price than cost and interest thereon, and may execute a deed thereof for and in behalf of the State.

*b.* [§ 1.] **Protects the land, as custodian, and preserves the game, fish, and timber.**—He shall be the custodian of such lands and \* \* \*. [§ 2.] [He may] fence said lands with substantial wire fencing, not barbed; protect said lands from forest fires and trespassers; preserve the game, fish and timber thereon, and \* \* \*. [L. 1901, ch. 175; Gen. Stat. 1902, sec. 4449; \* \* \*; L. 1911, ch. 115.]

*c.* [§ 1.] **Reforests the lands.**—He may plant such land with seed or seedlings of such trees as he may deem expedient. \* \* \*. [L. 1901, ch. 175; Gen. Stat. 1902, sec. 4449; \* \* \*; L. 1911, ch. 115.]

[§ 2.] **Makes thinnings, etc.**—The State forester is authorized to make thinnings in the woodland of the State forest and to take such other measures as he may deem necessary to bring about a profitable

growth of the timber thereon. [L. 1903, ch. 132, sec. 1.]

*d.* [§ 1.] **Sells wood and timber from State forests.**—The State forester is authorized to sell wood and timber from the State forest whenever he shall deem such sale desirable, \* \* \*.

[§ 2.] **Renders accounting of timber sales and use of proceeds to State board of control.**—\* \* \* he shall render an account of the same to the State board of control. [L. 1903, ch. 132, sec. 2.]

*e.* **Employs assistants.**—[The State forester] may employ such local assistants as may be necessary.

*f.* **Pays town taxes on the lands.**—[The State forester] shall pay from the sum biennially appropriated the town taxes upon said land when assessed at the same rate as similar adjoining lands, \* \* \*. [L. 1901, ch. 175; Gen. Stat., 1902, sec. 4449; \* \* \*; L. 1911, ch. 115.]

**2. Appropriations and revenues.**

*a.* **Appropriation for purchase of State forests.**—The sum of five thousand dollars is hereby appropriated to be paid out of any money in the treasury not otherwise appropriated, as a special fund for the purchase of State forests as authorized by section 4449<sup>1</sup> of the general statutes, said sum to be available until expended by the State forester in accordance with the provisions of section 4450 of the general statutes.<sup>1</sup> [Sp. L. 1909, vol. 15, p. 1048, sec. 2.]

*b.* **Proceeds from timber sales for maintenance of State forests.**<sup>2</sup>—\* \* \* the proceeds of which sales<sup>3</sup> shall be used by him [State forester] for the maintenance and care of the forest as specified in this act<sup>1</sup> and in section 4449 of the general statutes as hereby amended,<sup>1</sup> and \* \* \*. [L. 1903, ch. 132, sec. 2.]

<sup>1</sup> See Table of Acts on p. 12.

<sup>2</sup> Additional maintenance and improvement funds are provided in biennial appropriations.

<sup>3</sup> See 111, 1*d*, § 1.



## PART IV.—TAXATION.

(This part comprises the provisions of law, if any, covering the classification and taxation of forested lands and lands to be forested, the purpose of which is to encourage the practice of forestry by private owners; also such bounty and exemption laws as have a like purpose. For similar taxation provisions, if any, concerning State or municipal forests, or other State lands, see Part III.)

## CLASSIFICATION OF FOREST LAND.

## 1. Acreage and value limitations.

[¶ 1.] Woodland and land suitable for forest planting not less than five acres in area and not exceeding in value twenty-five dollars per acre exclusive of timber growing thereon, may, upon application of the owner, be given special classification as forest land for purposes of taxation.

[¶ 2.] \* \* \* When the value of the land alone exceeds twenty-five dollars per acre it shall not be classified as forest land under this act. [L. 1913, ch. 58, sec. 1.]

## 2. Two general types of classified lands recognized.

*a. Land fully stocked with forest trees not more than 10 years old, etc.*—Land fully stocked with forest trees not more than ten years old, except scattered older trees the value of which for timber does not increase the assessed value of the property, land incompletely or partially stocked with forest trees not more than ten years old, when planted with a sufficient number of additional trees to assure a spacing of approximately six by six feet over the entire area, and open land planted with forest trees not less than twelve hundred to the acre, provided in each case the trees planted are any of the following: Ash, chestnut, maple, oak, tulip, white pine, red pine, Scotch pine, European larch, Norway spruce, or any other kinds approved by the State forester; and provided the State forester approves the manner in which the trees are planted, may be classified as forest land as specified in section one<sup>1</sup> and \* \* \*. [L. 1913, ch. 58, sec. 3.]

*b. Land bearing timber of more than 10 years' growth.*—Land bearing timber of more than 10 years' growth, said timber having a taxable value, may be classified as forest land as specified in section one,<sup>1</sup> and \* \* \*. [L. 1913, ch. 58, sec. 2.]

## 3. Valuation of land and timber.

*a. Determined by assessors.*—The assessors of any town wherein woodland or land suitable for forest planting is situated and which the owner thereof seeks to have classified under the provisions of section one

of chapter 58 of the public acts of 1913<sup>1</sup> shall examine such land and give the owner thereof a sworn statement giving separately the value of the land and the value of the timber thereon. If such owner shall file written application with the assessors on or before September thirtieth in any year, such statement shall be furnished him on or before the first day of November following. Such land shall be placed in the list for such year at the value so placed upon it by the assessors, provided classification in accordance with the provisions of said act shall be granted by the State forester prior to the completion and filing of such list by the assessors. [L. 1915, ch. 90, sec. 1.]

*b. Redetermined by special board, on appeal.*—If the owner of such land shall claim that the valuation thereof appearing in such sworn statement is in excess of the average value of twenty-five dollars per acre, he may appeal to the superior court for the county within which such land is situated in the manner provided for appeals from boards of relief. [L. 1915, ch. 90, sec. 2.]

## 4. Application for classification.

Application for such classification shall be made to the State forester, accompanied by such description of the land as the State forester may require, and by a sworn statement from the assessors of the town giving the true value of the land alone, and the true value of any timber thereon.<sup>2</sup> [L. 1913, ch. 58, sec. 1.]

## 5. Completion of classification.

*State forester examines lands—Issues certificate.*—When such application has been made the State forester shall examine the land, and if he finds the requirements hereinafter specified have been fulfilled, he shall issue a quadruplicate certificate of classification, the original to be filed in the State forester's office, one copy in the tax commissioner's office, one copy in the town clerk's office of the town in which the land is located, and one copy with the owner. [L. 1913, ch. 58, sec. 1.]

## 6. Classification continued.

When any tract has been classified as forest land for purposes of taxation under this act, the classification shall be continued as long as proper forest conditions are maintained thereon, except as herein provided. [L. 1913, ch. 58, sec. 5.]

## 7. Reclassification optional.

Whenever a timber crop is removed either in one or several cuttings and the land reforested, either

<sup>1</sup> See Table of Acts on p. 12.

<sup>1</sup> See Table of Acts on p. 12.

<sup>2</sup> See IV, 3a.



## PART IV—Contd.]

naturally or by planting, said land may be reclassified under section three<sup>1</sup> upon application by the owner, or the existing classification may be continued and tax collected on the established valuation as provided herein for the balance of the uncompleted valuation period. If the existing classification is continued, a revaluation shall be made at the end of said uncompleted period, and taxes thereafter assessed as provided herein. [L. 1913, ch. 58, sec. 4.]

**8. Cancellation of classification.**

**Grounds for cancellation.**—Use of such land for pasture, destruction of the tree growth by fire and failure of owner to restore forest conditions, removal of tree growth and use of land for other purposes, or any changed condition which, in the opinion of the State forester, indicates that the requirements of this act are not being fulfilled, shall be sufficient ground for cancellation of such classification. **Examination prior to cancellation.**—When requested to do so by the assessors, or whenever he may deem it necessary, the State forester shall examine classified forest land, [Cancellation.—] and if he finds the provisions of this act are not complied with, he shall forthwith cancel the classification of said land. [Notice of cancellation.—] sending notice of such cancellation to the tax commissioner, the town clerk of the town in which the land is located, and the owner of said land. Said land shall thereafter be taxed as other land. [L. 1913, ch. 58, sec. 5.]

**9. Revaluation of land and timber.**

[§ 1.] **First made 50 years after original classification.**—A revaluation of both land and timber separately shall be made by the assessors fifty years after the date of original classification. \* \* \*

[§ 2.] **And whenever necessary, after second period of 50 years.**—At the end of this period [second period of 50 years], provided said classification has been continuously maintained, said land and timber shall, whenever necessary, be revalued separately by the assessors,<sup>2</sup> and \* \* \*. [L. 1913, ch. 58, sec. 2.]

## ANNUAL TAX.

**10. Tax levied annually at local rate not exceeding 10 mills.**

**a. Value of land alone subject to tax.**—[Land fully stocked with forest trees not more than ten years old \* \* \*,<sup>3</sup> may be classified as forest land

<sup>1</sup> See Table of Acts on p. 12.

<sup>2</sup> This revaluation procedure applies equally to both types of land classified under the law, although the specific provision above refers to the "land having timber of more than 10 years' growth." (See IV, 10.)

<sup>3</sup> For complete description of land, see IV, 2a.

and] shall thereafter be taxed annually at the local rate, but not to exceed ten mills in any case, on a valuation of the land alone established and reestablished by the assessors of the town as provided in section two.<sup>1</sup> [L. 1913, ch. 58, sec. 3.]

**b. [§ 1.] Values of both land and timber subject to tax.**—[Land bearing timber of more than 10 years' growth<sup>2</sup> \* \* \* may be classified as forest land \* \* \* and] shall thereafter be taxed annually at the local rate, but not to exceed ten mills in any case, upon the true and actual value of the land and timber separately as established by the assessors at the time the classification was made. \* \* \* [§ 2] said revaluation [made after fifty years] to be subject to an annual tax at the local rate, but not to exceed ten mills, for another period of fifty years. \* \* \* [§ 3] such new valuation [made after the second fifty years] shall be assessed annually thereafter at the local rate. [L. 1913, ch. 58, sec. 2.]

**11. Payment of the tax secured by lien on the land, and on the timber, standing and cut.**

(For text, see IV, 15a.)

## YIELD TAX.

**12. Imposed upon all products of cuttings not devoted to personal use.**

All products of cuttings on classified land shall pay a yield tax as herein provided, except material cut for domestic use, which shall be limited to fuel and the construction of fences, buildings, or other improvements which tend to develop the property of the owner and increase its taxable value, when said material is used by the owner of said land, or by a tenant with the permission of said owner, upon property belonging to said owner which is taxable in the same town as the timberland from which said material is removed. **Sale or other disposal of exempted material renders it subject to the tax.**—If said material is sold or otherwise disposed of or transferred to the ownership of other persons it shall be subject to a yield tax as provided above. [L. 1913, ch. 58, sec. 6.]

**13. Determination of taxable values, in advance of removal of timber.**

**Owner makes original valuation.**—[§ 1.] Whenever a cutting is made, other than as excepted above, the owner of the land shall file a sworn statement with the assessors and the State forester, of the quantity and stumpage value of all timber cut before any of it

<sup>1</sup> See IV, 9.

<sup>2</sup> For complete description of land, see IV, 2b.

## PART IV—Contd.]

is removed from the land. [¶ 2.] **Original valuation subject to review and revaluation by assessors, or by a special board in case of appeal by owner.**—If the assessors deem the quantity or value to be incorrectly stated, they may themselves determine the quantity cut and stumpage value of same. In case the owner is unwilling to accept their valuation, the matter shall be referred to a special board consisting of the first selectman and town clerk of the town in which the land is located and the State forester, and the decision of said board with regard to quantity and value shall be final. Upon the valuation thus determined a yield tax as provided in this act shall be paid by the owner of the land. [L. 1913, ch. 58, sec. 6.]

**14. Rates of the tax.**

*a. On cuttings upon "land fully stocked with forest trees not more than 10 years old," etc., when classified.*—Whenever a cutting is made,<sup>1</sup> except as specified in section six,<sup>2</sup> a yield tax of ten per centum shall be levied on the value of the material removed, said value being determined as provided in section six. [L. 1913, ch. 58, sec. 3.]

*b. On cuttings upon "land bearing timber of more than 10 years' growth" when classified.*—Whenever a cutting is made on land classified under this section,<sup>3</sup> except as specified in section six,<sup>2</sup> the material removed shall be subject to a graduated yield tax at the following rates on the value determined as provided in section six. From one to ten years after the land is classified the tax shall be two per centum of the yield; from eleven to twenty years after the land is classified the tax shall be three per centum of the yield; from twenty-one to thirty years after the land is classified the tax shall be four per centum of the yield; from thirty-one to forty years after the land is classified the tax shall be five per centum of the yield; from forty-one to fifty years after the land is classified the tax shall be six per centum of the yield; over fifty years after the land is classified the tax shall be seven per centum of the yield. [L. 1913, ch. 58, sec. 2.]

**15. Payment of the tax is secured by.**

*a. Lien on the land and timber, collectively.*—All taxes levied under the provisions of this act shall be due and collectible as other town taxes and subject to the same liens and processes of collection. Classified land and timber standing thereon and timber products cut from said land shall be subject to lien for unpaid taxes levied under this act. [L. 1913, ch. 58, sec. 7.]

*b. A cash deposit covering amount, in full, in advance of removal of any portion of the material*

*ent.*—Should it be necessary to remove any products of a cutting before the operation is completed, the owner of the land shall deposit with the tax collector a sufficient sum to cover the estimated yield tax. When the cutting is completed said tax shall be levied as herein provided and the balance of said deposit, if any, returned. [L. 1913, ch. 58, sec. 6.]

*c. Lien on the land and the timber, separately, in case of unlawful removal of the timber.*—In case the products of a cutting are unlawfully removed, the owner of the land and the owner of the timber shall be jointly liable to the town in an action of debt to the full value of both land and timber. [L. 1915, ch. 58, sec. 6.]

*d. Seizure and sale, by town, of timber products unlawfully removed.*—Any timber products unlawfully removed from said land or upon which the full amount of yield tax has not been paid, shall be liable to seizure by the town, wherever found, and, after due notice, may be sold to satisfy said unpaid taxes and the expense of seizure and sale. [L. 1913, ch. 58, sec. 7.]

## SPECIAL CANCELLATION TAX.

**16. Values to be taxed.**

Whenever a classification is canceled the assessors shall deduct the valuation of both land and the timber thereon as established at time of classification from the then value of said land and timber as assessed for future taxation, and \* \* \*. [L. 1913, ch. 58, sec. 5.]

**17. Values to be exempted.**

The past value of timber which has been destroyed by natural agencies, or which has been cut and upon which a yield tax has been paid, shall not be considered in fixing the present assessable value. [L. 1913, ch. 58, sec. 5.]

**18. Rate of the tax.**

\* \* \* on the excess value thus determined, a tax shall be collected at the rate of five mills per annum for the entire number of years that said land has been under classification. This tax shall be in addition to any annual tax or yield tax which may have been paid or may be collectible. [L. 1913, ch. 58, sec. 5.]

## EXEMPTIONS FROM GENERAL-TAX LAWS.

**19. Certain tree plantations established prior to 1913.**

[¶ 1.] When any person shall plant land not heretofore woodland, the actual value of which, at the time of planting, shall not exceed twenty-five dollars per acre, to timber trees of any of the following

<sup>1</sup> See IV, 2a.<sup>3</sup> IV, 2b.<sup>2</sup> See Table of Acts on p. 12.



## PART IV—Contd.]

kinds, to wit: Chestnut, hickory, ash, white oak, sugar maple, European larch, white pine, black walnut, tulip or spruce not less in number than twelve hundred to the acre, and such plantation of trees shall have grown to an average height of six feet, the owner of such plantation may appear before the board of relief of the town in which such plantation is

located, and, on proving a compliance with the conditions herein, such plantation of trees shall be exempt from taxation of any kind for a period of twenty years next thereafter.

[¶ 2.] The foregoing provision for exemption from taxation shall apply only to land planted with forest trees prior to January 1, 1913. [L. 1877; \* \* \*; Gen. Stat., 1902, sec. 2320; L. 1913, ch. 58, sec. 8.]

## TABLE OF ACTS:

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		3. ....	II, 9.
			II, 50 ¶ 2.

<sup>1</sup> References are given in the order in which the subject matter occurs in the original text. In reconstructing the text of any act herein compiled, bracketed matter found introducing a section or paragraph should be ignored, since the material has already been presented elsewhere in its proper relation to the original text of the act being reconstructed. (See above. L. 1911, ch. 292, sec. 1.)